SINGLE BENCH

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

W. P.(S). NO.1347 /2007

PETITIONER : **Sita Ram Patel**

Age about 40 year, Lower Division Teacher

S/o Shri Daras Ram Patel

Trible Primary School Limdih, Tahsil-Kartala

Block. -Kartala, Distt. - Korba (C.G.)

P.B. No. 157367 SK Verma 22/12/07

VERSUS

RESPONDENTS :

1. **State Govt. of Chhattisgarh**
   Through Secretary,
   Educational & Tribal Department
   D.K.S. Bhawan, Distt.-Raipur (C.G.)
2. **Astt. Commissioner Tribal**
   Korba, District-Korba (C.G.)
3. **District Education Officer**
   Korba, District-Korba (C.G.)

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OATH COMMISSIONER BILASPUR S.R. Kaushik TAHSIL AREA

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

(17)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W. P. (S) No. 1347 of 2007

Petitioner : Sita Ram Patel

Versus

Respondents : State Govt. of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Mr. Ajay Shrivastava, Advocate for the petitioner.
Mr. Sushil Dubey, Government Advocate for the State/respondents.

ORDER
(Passed on 8th day of March, 2007)

1. The petitioner is working as Lower Division Teacher in the government school. In the course of his services as Lower Division Teacher, the petitioner has obtained D.Ed. Examination Certificates in the year 1998-99, his own expenses.

2. Learned counsel appearing for the petitioner submits that the question involved, herein asto whether the teachers, who obtained D.Ed. Examination Certificates on their own expenses, is entitled to two advance increments.

3. According to learned counsel for the petitioner, the petitioner is entitled to two advance increments in view of the decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** {2006 (II) MPJR-CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed. /B.T.I.

Examination Certificate on their own expenses, are covered by the circular dated 24.12.98 issued by the State Government of Madhya Pradesh.

4. In subsequent cases, i.e., Writ Petition (S.) No.4130 of 2005 (***Gopesh Kumar Verma*** **vs.** ***The State Govt. of Chhattisgarh and another***) and other connected matters, decided by this Court on 15-12-2006, pursuant to the memo dated 28-1-1995, issued by the Secretary, Board of Secondary Education, Bhopal and the prospectus of Diploma in Education Examination, it was clarified that the nomenclature of the Basic Training Institute, i.e., B.T.I. has been changed and renamed as Diploma in Education, i.e., D.Ed. Accordingly, the D.Ed. Certificate holders are also covered by the decision in Writ Petition (S.) No.4130 of 2005 (***Gopesh Kumar Verma*** vs. ***The State Govt. of Chhattisgarh and another***) (Supra).

5. Learned counsel for the petitioner further submits that the facts and question of law involved in the present case is squarely covered by decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioners.

6. Accordingly, the writ petition is allowed in terms of the order passed in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), subject to

(19)

verification of the fact as to whether the petitioner has acquired D. Ed. Examination Certificates on their own expenses as per the circulars dated 24.12.1998 & 1.3.1999 and further whether they have been paid two advance increments or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash